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**FILED**

AUG X 8 2007

**RICHARD W. WIEKING**  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**JCS****3 - 07 - 70471**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAYMOND MICHAEL FOAKES

Defendant.

CRIMINAL NO.

NOTICE OF PROCEEDINGS ON  
OUT-OF-DISTRICT CRIMINAL  
CHARGES PURSUANT TO RULES  
5(c)(2) AND (3) OF THE FEDERAL RULES  
OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal Procedure that on or about August 8, 2007, the above-named defendant was arrested based upon an arrest warrant (copy attached) issued in case number 03-CR-00512-JCM-PAL-12 in the District of Nevada, upon an

☐ Indictment

☐ Information

☐ Criminal Complaint

☒ Other (describe): Petition for Action on Conditions of Pre-trial Release

1 In that case, the defendant is charged with a violation of Title 18, United States Code,  
2 Section 3148, violation of conditions of pre-trial release.

3 Description of Charges: Defendant failed to submit to pre-trial services supervision and  
4 failed to submit to drug monitoring.

5 Maximum Penalties: revocation of release, order of detention, prosecution for contempt  
6 of court.

7  
8 Respectfully Submitted,

9 SCOTT N. SCHOOLS  
10 UNITED STATES ATTORNEY

11  
12 Date: 8/8/07

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14 KIRSTIN M. AULT  
15 Assistant U.S. Attorney  
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Case 2:03-cr-00542-JCM-PAL Document 1666-2 \*SEALED\* Filed 08/06/2007 Page 1 of 2

SNAD 442 (Rev. 10/03) Warrant for Arrest

## UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

V.

Raymond Michael FOAKES

### WARRANT FOR ARREST

Case Number: 2:03-cr-00542-JCM-PAL-12

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest RAYMOND MICHAEL FOAKES

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☒ Violation Notice

charging him or her with (brief description of offense)  
PETITION FOR ACTION ON CONDITIONS OF PRETRIAL RELEASE

in violation of Title 18 United States Code, Section(s) 3148(b)

Name of Issuing Officer

Title of Issuing Officer

Date

Location

### RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

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UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF NEVADA

U.S.A. vs. Raymond Michael FOAKES

Docket No. 2:03-cr-00542-JCM-PAL-12

Petition for Action on Conditions of Pretrial Release

Comes now Erin Oliver, U.S. PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Raymond Michael FOAKES, who is placed under pretrial release supervision by the Honorable James C. Mahan, in the Court at Las Vegas, Nevada, on February 13, 2004, on a Personal Recognizance Bond, with the following conditions:

1. Pretrial Services supervision.
2. Maintain employment.
3. Travel restricted to Nevada and Northern California to resolve warrant.
4. Avoid contact with codefendants unless in the presence of counsel.
5. Resolve outstanding warrants in 60 days.
6. Refrain from possessing a firearm, destructive device, or other dangerous weapon.
7. Refrain from unlawful possession of a narcotic drug or other controlled substances.
8. Submit to drug monitoring.
9. Participate in a program of inpatient or outpatient treatment as deemed necessary.
10. Maintain residence with Troy Regas.
11. Subject to search of person, residence, or vehicle.
12. Register as felon in Washoe County, NV.
13. Participate in home detention component of home confinement program with electronic monitoring and abide by all requirements of the program.
14. Do not commit any offense against any federal, state, or local law.

On August 17, 2004, the defendant's bond was revoked due to violations.

On November 16, 2004, the defendant was re-released on bond with the following condition:

1. Pretrial Services supervision.
2. Released for 20 week intensive inpatient at Salvation Army.

On March 23, 2005, the defendant's bond was modified as follows:

1. Pretrial Services supervision.
2. Maintain residence with his mother and do not move without the permission of Pretrial Services.
3. Seek/maintain employment.
4. Do not associate with those who use or possess controlled substances.
5. Submit to drug monitoring and counseling as deemed necessary by Pretrial Services.
6. Do not use or possess controlled substances.
7. Do not possess any firearms, explosive devices, or dangerous weapons.
8. Submit to search of person, residence, and vehicle for controlled substances and weapons.
9. Travel restricted to the Northern and Eastern Districts of California and Nevada, for court related purposes only.
10. Do not commit any offense against any federal, state, or local law.

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Petition for Action on Conditions of Pretrial Release

Re: Raymond Michael FOAKES

August 2, 2007

Page 2

On June 6, 2006, Mr. Foakes was arrested on new federal charges in the Northern District of California. He remained in custody until October 2, 2006, when he was ordered released on a Personal Recognizance Bond with the following conditions:

1. Pretrial Services supervision.
2. Maintain residence at 3896 Brighthill Avenue, Las Vegas, Nevada 89121, with David Harbridge.
3. Participate in the home incarceration component of the home confinement program with electronic monitoring, which may include GPS. Release includes attending trial, meeting with counsel for preparation for trial, and reporting to Pretrial Services.
4. Submit to drug testing as directed by Pretrial Services.
5. Do not use or possess controlled substances.
6. Travel restricted to Clark County, Nevada.
7. Do not possess any firearm, ammunition, or dangerous weapons.

On October 11, 2007, the defendant entered a guilty plea to the charge of Violent Crime in Aid of Racketeering. At that time, Mr. Foakes was ordered to reside at 748 Mill Street, Santa Rosa, California. On October 12, 2006, the defendant's bond was modified as follows, to add:

1. Maintain/seek employment.
2. Submit to the home detention component of the home confinement program, with electronic monitoring.
2. Travel restricted to the state of California and Clark County, Nevada, for the purpose of court hearings and meetings with attorney.

On February 13, 2007, the defendant was sentenced to 12 months and 1 day custody of the Bureau of Prisons, concurrent to the federal California case and the state of Nevada case, 3 years supervised release, and a \$100 assessment. The defendant's surrender for service of this sentence has been stayed pending the outcome of the Northern District of California case and the state of Nevada case.

On July 30, 2007, the defendant's bond was modified to remove home detention with electronic monitoring.

Respectfully presenting Petition for Action of Court and for cause as follows:

The defendant failed to comply with the following conditions:

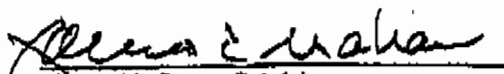
1. Pretrial Services supervision.
2. Submit to drug monitoring.

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PRAYING THAT THE COURT WILL ORDER THAT A WARRANT BE ISSUED, AND A HEARING BE HELD, TO SHOW CAUSE WHY PRETRIAL RELEASE SHOULD NOT BE REVOKED.

ORDER OF COURT

Considered and ordered this 8<sup>th</sup> day of August, 2007, and ordered filed and made a part of the records in the above case.

  
Honorable James C. Mahan  
U.S. District Court Judge

I declare under penalty of perjury that the information contained herein is true and correct. Executed on this 2<sup>nd</sup> day of August, 2007.

Respectfully Submitted,

/s/ \_\_\_\_\_  
Erin Oliver  
U.S. Pretrial Services Officer  
Place: Las Vegas, Nevada  
Date: August 2, 2007



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**Petition for Action on Conditions of Pretrial Release**

**Re: Raymond Michael FOAKES**

**August 2, 2007**

**Page 3**

Respectfully presenting Petition for Action of Court and for cause as follows:

1. **Pretrial Services Supervision:** The defendant failed to report to Pretrial Services in the District of Nevada as directed on July 30, 2007 and on July 31, 2007.
2. **Submit to Drug Monitoring:** The defendant failed to submit to a drug test as directed by Pretrial Services in the District of Nevada on July 30, 2007.

The defendant's next court date is set for a status check on December 10, 2007.

All in violation of Title 18, U.S.C., Section 3148(b).

APPROVED:

/s/  
James J. Kingery, Supervising  
U.S. Pretrial Services Officer

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1 Steve MYERS  
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2 Andrew Duncan  
Assistant United States Attorney  
3 Lloyd D. George U.S. Courthouse  
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4 Las Vegas, NV 89101  
(702) 388-6336

5  
6 UNITED STATES DISTRICT COURT  
District of Nevada

7 United States of America, ) Case 2:03-cr-01542-JCM-PAL-12  
Plaintiff, )  
8 vs ) PETITION FOR ACTION  
Raymond Michael FOAKES ) ON CONDITIONS OF  
9 Defendant. ) PRETRIAL RELEASE

10 Attached hereto and expressly incorporated herein is  
11 a Petition for Action on Conditions of Pretrial Release  
12 concerning the above-named defendant prepared by Erin Oliver,  
13 U.S. Pretrial Services Officer. I have reviewed that Petition  
14 and believe there is sufficient credible evidence which can be  
15 presented to the Court to prove the conduct alleged and I concur  
16 in the recommended action requested of the Court on August 2,  
17 2007.

18  
19 Daniel G. Bogden  
United States Attorney

20  
21 By /s/  
Andrew Duncan  
Assistant U.S. Attorney  
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